

Rd PCT/PTO

18 OCT 2005



GlaxoSmithKline

**FAX****To** DO/EO/US**Company** USPTO**Fax** 703-305-3230**From** Patricia Wilson**Tel** 1-919-483-1007; Facsimile: 1-919-483-7988**E-mail** patricia.t.wilson@gsk.com**Date** October 18, 2005 **Pages including cover** 14**Subject** Response to Notification of Missing Requirements

GlaxoSmithKline  
PO Box 13398  
Five Moore Drive  
Research Triangle Park  
North Carolina 27709

Tel: 919 483 2100  
www.gsk.com

Re: Application of Cabezon Silva et al.  
Serial No.: 10/517,420; Int'l. Appl. No.: PCT/EP03/06096  
Title: *Immunogenic Compositions*  
Attorney Docket No. B45311

**Attached is:**

1. Transmittal Letter (2<sup>nd</sup> page in duplicate);
2. Declaration (4 pgs);
3. Copy of Notification of Missing Requirements under 35 USC 371, date mailed September 26, 2005;
4. Power of Attorney and Correspondence Address Indication Form;
5. Statement Under 37 CFR 3.73(b);
6. Power of Attorney;
7. Change of Correspondence Address.

**Certificate of Transmission by Facsimile (37 CFR 1.8)**

I hereby certify that this Response to Notification of Missing Requirements is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-305-3230) on October 18, 2005.

  
Patty Wilson

The information contained in these documents is confidential and may also be privileged and is intended for the exclusive use of the addressee designated above. If you are not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, any disclosure, reproduction, distribution, or any other dissemination or use of this communication is strictly prohibited. If you have received this transmission in error please contact us immediately by telephone so that we can arrange for its return.

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 2-2005)

ATTORNEY'S DOCKET NUMBER

B45311

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/517,420

INTERNATIONAL APPLICATION NO.  
PCT/EP03/06096INTERNATIONAL FILING DATE  
June 6, 2003PRIORITY DATE CLAIMED  
June 11, 2002

## TITLE OF INVENTION

IMMUNOGENIC COMPOSITIONS

## APPLICANT(S) FOR DO/EO/US

**Teresa Elisa Virginia CABEZON SILVA, Jonathan H. ELLIS, Catherine Marie Ghislaine GERARD, Paul a. HAMBLIN, Remi M. PALMANTIER, Carlota VINALS Y DE BASSOLS**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).


## Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☒ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

Change of Correspondence Address

Statement under 3.73(b) with Power of Attorney

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |              |  |  |                          |          |
|---|--------------|--|--|--------------------------|----------|
| U.S. APPLICATION NO (if known, see 37 CFR 1.5)  |              | INTERNATIONAL APPLICATION NO.  |  | ATTORNEY'S DOCKET NUMBER |          |
| 10/517,420  |              | PCT/EP03/06096   |  | B45311                   |          |
| The following fees are submitted:   |              |  |  | CALCULATIONS             | PTO USE  |
| 24. <input type="checkbox"/> Basic national fee .....   |              | \$300  |  | \$                       | \$0.00   |
| 25. <input type="checkbox"/> Examination fee  |              |  |  |                          |          |
| If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). ....  |              | \$100  |  | \$                       | \$0.00   |
| All other situations. ....  |              | \$200  |  |                          |          |
| 26. <input type="checkbox"/> Search fee .....   |              |  |  |                          |          |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the International application to the USPTO as an International Searching Authority .....   |              | \$100  |  |                          |          |
| International Search Report prepared and provided to the Office .....   |              | \$400  |  |                          |          |
| All other situations. ....  |              | \$500  |  | \$                       | \$0.00   |
| TOTAL OF 24, 25 and 26 =  |              |  |  | \$                       | \$0.00   |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  |              |  |  |                          |          |
| Total Sheets  | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE   |                          |          |
| - 100 =   | 0 /50 =      | 0  | x \$250.00   | \$                       | \$0.00   |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).   |              |  |  | \$                       | \$130.00 |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA   | RATE   |                          |          |
| Total claims  | - 20 =       | 0  | x \$50.00  | \$                       | \$0.00   |
| Independent claims  | - 3 =        | 0  | x \$200.00   | \$                       | \$0.00   |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00   |              |  |  | \$                       | \$0.00   |
| TOTAL OF ABOVE CALCULATIONS =   |              |  |  | \$                       | \$130.00 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |  |  | \$                       | \$0.00   |
| SUBTOTAL =  |              |  |  | \$                       | \$130.00 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).   |              |  |  | \$                       | \$0.00   |
| TOTAL NATIONAL FEE =  |              |  |  | \$                       | \$130.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +   |              |  |  | \$                       | \$0.00   |
| TOTAL FEES ENCLOSED =   |              |  |  | \$                       | \$130.00 |
|   |              |  |  | Amount to be             | \$       |
|   |              |  |  | Amount to be             | \$       |
| <p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>07-1392</u> in the amount of <u>\$130.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>07-1392</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> |              |  |  |                          |          |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.  |              |  |  |                          |          |
| SEND ALL CORRESPONDENCE TO:   |              |  |  |                          |          |
| CUSTOMER NO. 23347  |              |  | <br>SIGNATURE<br>Virginia G. Campen<br>NAME<br>37,092<br>REGISTRATION NUMBER |                          |          |

PTO-1392 (Rev. 02-2005)

App. for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |              |  |  |                          |          |
|--|--------------|--|--|--------------------------|----------|
| U.S. APPLICATION NO (if known, see 37 CFR 1.5)   |              | INTERNATIONAL APPLICATION NO.  |  | ATTORNEY'S DOCKET NUMBER |          |
| 10/517,420   |              | PCT/EP03/06096   |  | B45311                   |          |
| The following fees are submitted:  |              |  |  | CALCULATIONS             | PTO USE  |
| 24. <input type="checkbox"/> Basic national fee  |              |  |  | \$300                    | \$ 0.00  |
| 25. <input type="checkbox"/> Examination fee   |              |  |  |                          |          |
| If international preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4):  |              |  |  | \$100                    | \$ 0.00  |
| All other situations:  |              |  |  | \$200                    |          |
| 26. <input type="checkbox"/> Search fee  |              |  |  |                          |          |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority:   |              |  |  | \$100                    |          |
| International Search Report prepared and provided to the Office:   |              |  |  | \$400                    |          |
| All other situations:  |              |  |  | \$500                    | \$ 0.00  |
| TOTAL OF 24, 25 and 26 =   |              |  |  | \$                       | \$ 0.00  |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.   |              |  |  |                          |          |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE   |                          |          |
| - 100 =  | 0 /50 =      | 0  | x \$250.00   | \$                       | \$ 0.00  |
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| CLAIMS   | NUMBER FILED | NUMBER EXTRA   | RATE   |                          |          |
| Total claims   | - 20 =       | 0  | x \$50.00  | \$                       | \$ 0.00  |
| Independent claims   | - 3 =        | 0  | x \$200.00   | \$                       | \$ 0.00  |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00  |              |  |  | \$                       | \$ 0.00  |
| TOTAL OF ABOVE CALCULATIONS =  |              |  |  | \$                       | \$130.00 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |  |  | \$                       | \$ 0.00  |
| SUBTOTAL =   |              |  |  | \$                       | \$130.00 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |  | \$                       | \$ 0.00  |
| TOTAL NATIONAL FEE =   |              |  |  | \$                       | \$130.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +  |              |  |  | \$                       | \$ 0.00  |
| TOTAL FEES ENCLOSED =  |              |  |  | \$                       | \$130.00 |
|  |              |  |  | Amount to be             | \$       |
|  |              |  |  | Amount to be             | \$       |
| <p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>07-1392</u> in the amount of <u>\$130.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>07-1392</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-203B.</p> |              |  |  |                          |          |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the international application to pending status.   |              |  |  |                          |          |
| SEND ALL CORRESPONDENCE TO:  |              |  |  |                          |          |
| CUSTOMER NO. 23347   |              |  | <p><u>Virginia G. Campen</u></p> <p>SIGNATURE</p> <p>Virginia G. Campen</p> <p>NAME</p> <p>37,092</p> <p>REGISTRATION NUMBER</p> |                          |          |



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1459  
 Alexandria, Virginia 22313-1459  
 www.uspto.gov

|   |  |                            |
|---|--|----------------------------|
| U.S. APPLICATION NUMBER NO.<br>10/517,420 | FIRST NAMED APPLICANT<br>Teresa Elisa Virginia Cabezon Silva | ATTY. DOCKET NO.<br>B45311 |
|---|--|----------------------------|

20462  
 SMITHKLINE BEECHAM CORPORATION  
 CORPORATE INTELLECTUAL PROPERTY-US, UW2220  
 P. O. BOX 1539  
 KING OF PRUSSIA, PA 19406-0939

|   |                             |
|---|-----------------------------|
| INTERNATIONAL APPLICATION NO.<br>PCT/EP03/06096 |                             |
| LA. FILING DATE<br>06/06/2003                   | PRIORITY DATE<br>06/11/2002 |

CONFIRMATION NO. 7403  
 371 FORMALITIES LETTER  
 \*OC000000016490130\*  
 \*OC000000016490130\*

Date Mailed: 09/26/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/08/2004
- Copy of the International Search Report filed on 12/08/2004
- Copy of IPE Report filed on 12/08/2004
- Preliminary Amendments filed on 12/08/2004
- Information Disclosure Statements filed on 12/08/2004
- Biochemical Sequence Diskette filed on 12/08/2004
- Biochemical Sequence Listing filed on 12/08/2004
- Request for Immediate Examination filed on 12/08/2004
- U.S. Basic National Fees filed on 12/08/2004
- Priority Documents filed on 12/08/2004
- Specification filed on 12/08/2004
- Claims filed on 12/08/2004
- Abstracts filed on 12/08/2004
- Drawings filed on 12/08/2004

SEP 30 2005  
 901 P 1:06

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

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missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

Telephone: (703) 308-9140 EXT 214

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/517,420                  | PCT/EP03/06096                | B45311           |

FORM PCT/DO/EO/905 (371 Formalities Notice)

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